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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,547	07/07/2003	Terry R. Mandy	0912.3001.003	5845
23399	7590	01/13/2005	EXAMINER	
REISING, ETHINGTON, BARNES, KISSELLE, P.C.			WARD, JOHN A	
P O BOX 4390			ART UNIT	
TROY, MI 48099-4390			PAPER NUMBER	
			2875	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/614,547

Applicant(s)

MANDY ET AL.

Examiner

John A. Ward

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 1, 7, 11 and 12 are objected to because of the following informalities: the term and/or render the claim indefinite. Appropriate correction is required.

Claim 14 is objected to because of the following informalities: the term "the upper reflector portion" lacks antecedent basis of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by McNair et al (US 4,520,436).

Regarding claim 1, McNair et al ('436) discloses a lamp apparatus having a lamp housing 50 having a closed upper end, an open lower end positioned adjacent an opening in a ceiling panel (figure 2), a ceiling mount 74, a lamp support 64, a lamp socket 68, a lamp 18, and a module 10 removable from the lamp housing.

Regarding claim 2, McNair et al discloses that the lamp 18 is fluorescent, and ballast 11 located in the module (figure 1).

Regarding claim 3, McNair et al shows in figure 1 that the module includes an opening align with an opening of the lamp housing and extending radially outward from the lamp housing canister wall.

Regarding claim 4, McNair et al discloses in figure 2 a set of electrical wires (not labeled) providing a current path that passes through the module to the lamp socket 68.

Regarding claim 5, McNair et al discloses in figure 4 that the module can have a pair of fluorescent lamps.

Regarding claim 6, figure 2 of McNair et al shows that the lamp housing 50 is in the shape of a tubular canister and attached to two tabs 72 that provides an engagement surface of the ceiling panel 70.

Claims 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by McNair et al ('436).

Regarding claim 7, McNair et al discloses a lamp apparatus having a lamp housing 50, a ceiling mount 74, lamp 18 supported by a lamp socket 68, and a lamp module 10 removably supported on the housing and carrying a ballast 11.

Regarding claim 8, McNair et al shows in figure 1 that the lamp module 10 carries a lamp socket 14 and being removably from the lamp housing.

Regarding claim 9, McNair et al shows in figure 2, at least two ceiling mounts 72, extending radially outward from the surface of the housing wall and provides engagement to the surface of the ceiling 70.

Claims 10-16 are rejected under 35 U.S.C. 102(b) as being anticipated by McNair ('436).

Regarding claim 10, McNair et al discloses a lamp apparatus having lamp housing 50 having a closed upper end and open lower end, a ceiling mount 74, a lamp 18, a lamp socket 68, a trim bezel 80 having an upper portion and a flange extending laterally outward supporting the ceiling 70 with a frictional fit (figure 3).

Regarding claim 11, McNair et al discloses a lamp module 10 that can be removably with the lamp housing and a lamp socket 14.

Regarding claim 12, McNair et al discloses ballast 11 located inside the module 10 that can be removed from the module (column 4, lines 32-37).

Regarding claim 13, McNair et al discloses two ceiling mounting tabs 72 extending radially outward from an outer surface of the housing wall and providing connection with a ceiling mount 74.

Regarding claim 14, McNair et al shows in figure 3 that two springs 82 are connected to the slot 84 of the housing.

Regarding claim 15, McNair et al shows in figure 3 that lamp housing has a tubular shape.

Regarding claim 16, McNair et al shows in figure 3 that the lamp the springs are directed downward and engages with the inner surface of the housing wall.

Claims 17 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by McNair et al ('436).

Regarding claim 17, McNair ('436) disclose a lamp apparatus having a downward illumination assembly (figure 3) having a lamp housing 50, a lamp socket 68, a module located inside the lamp housing and the abstract teaches that the apparatus can be accessed in the area above the ceiling.

Regarding claim 19, McNair et al teaches that the apparatus can be located inside the recess ceiling and having a trim bezel 82 (column 3, lines 24-32).

Regarding claim 20, McNair et al shows in figure 3 a lamp housing 50 having a trim bezel 80 attaches to spring clips 82.

It is inherent to provide a method for servicing the lamp apparatus since McNair et al meet all the limitations of the claimed invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over McNair et al as applied to claim 17 above, and further in view of Mandy (US 5,003,432).

Regarding claim 18, McNair disclose all the limitations of the claimed invention as cited above except the lighting apparatus being located inside the elevator.

Regarding claim 18, Mandy ('432) shows a lighting system having a lamp housing 26, lamp socket 72, lamp 124 and figure 1 teaches that the lamp housing is located inside a passenger elevator.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the light apparatus of McNair et al with the lighting system of Mandy in order to provide a method of illuminating a housing area with illumination with a fluorescent lamp as taught by Mandy (column 3, lines 12-62).

Conclusion

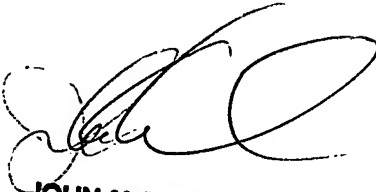
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Duhamel et al (US 3,692,977), Capostagno et al (US 4,313,154), Ullman (US 4,459,648) and Lau (US 6,350,046).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Ward whose telephone number is 571-272-2386. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAW
January 7, 2005



JOHN ANTHONY WARD
PRIMARY EXAMINER